

## AMENDMENTS TO THE CLAIMS

1. (Previously Presented) A medical instrument effective to assist in positioning an internal organ during a surgical procedure, comprising:

a body;

a tissue grasping element appended to the body and having first and second opposed tissue penetrating claws selectively movable between an open position and a closed position, the first and second opposed tissue penetrating claws being biased to one of the open and closed positions, and being configured to penetrate tissue while moving from the open position to the closed position;

an actuating member mated to the body and effective to move the tissue grasping element between the open and closed positions; and

a flexible member having a portion secured to the body and at least one free end that is selectively fastenable to a support.

2. (Cancelled).

3. (Previously Presented) The medical instrument of claim 1, wherein the actuating member comprises opposed first and second members wherein a force applied to bring the first and second members in contact with each other causes opening of the tissue penetrating claws.

4. (Original) The medical instrument of claim 3, wherein the first and second tissue penetrating claws are biased to the closed position.

5. (Previously Presented) The medical instrument of claim 1, wherein the tissue grasping element forms substantially a circular shape in the closed position.

6. (Previously Presented) The medical instrument of claim 1, wherein the flexible member is selected from the group consisting of a strap, a band, a tape, and a string.

7. (Original) The medical instrument of claim 1, wherein the body is elongate and the device further comprises a removable applicator sleeve slidably disposed on the body and adapted to selectively engage the actuating member.
8. (Original) The medical instrument of claim 7, wherein the applicator sleeve is movable between a first, proximal position in which the applicator sleeve is free from contact with the actuating member, and a second, distal position in which the applicator sleeve is able to engage the actuating member and thereby move the tissue grasping element between the open and closed positions.
9. (Original) The medical instrument of claim 8, wherein the tissue grasping element is disposed on the distal end of the body.
10. (Original) The medical instrument of claim 9, wherein the tissue grasping element comprises first and second opposed tissue penetrating claws.
11. (Original) The medical instrument of claim 10, wherein the first and second tissue penetrating claws are biased to the closed position.
12. (Previously Presented) The medical instrument of claim 11, wherein the actuating member comprises first and second opposed members, each member extending through an opening formed in the body.
13. (Original) The medical instrument of claim 8, wherein at least a portion of the applicator sleeve defines an inner lumen.
14. (Original) The medical instrument of claim 13, wherein the inner lumen is adapted to receive at least a portion of the flexible member.

15. (Original) The medical instrument of claim 14, wherein the flexible member is selected from the group consisting of a strap, a band, a tape, and a string.

Claims 16-36 (Cancelled).

37. (Previously Presented) A method for positioning a body organ, comprising:  
providing a medical instrument having

a body,

a tissue grasping element appended to the body and having first and second opposed tissue penetrating claws selectively movable between an open position and a closed position, the first and second opposed tissue penetrating claws being biased to one of the open and closed positions, and being configured to penetrate tissue while moving from the open position to the closed position

an actuating member mated to the body and effective to move the tissue grasping element between the open and closed positions, and

a flexible member having a portion secured to the body and at least one free end that is selectively fastenable to a support;

positioning the body in proximity to an internal organ to be repositioned;

manipulating the body so that the tissue grasping element grasps a desired portion of tissue; and

applying tension to the flexible member to reposition and secure the body organ.

38. (New) A medical instrument effective to assist in positioning an internal organ during a surgical procedure, comprising:

an elongate body;

a tissue grasping element appended to the body and having first and second opposed tissue penetrating claws selectively movable between an open position and a closed position, the first and second opposed tissue penetrating claws being biased to one of the open and closed

positions, and being configured to penetrate tissue while moving from the open position to the closed position;

an actuating member mated to the body and effective to move the tissue grasping element between the open and closed positions;

a flexible member having a portion secured to the body and at least one free end that is selectively fastenable to a support; and

a removable applicator sleeve slidably disposed on the body and adapted to selectively engage the actuating member.

39. (New) The medical instrument of claim 38, wherein the applicator sleeve is movable between a first, proximal position in which the applicator sleeve is free from contact with the actuating member, and a second, distal position in which the applicator sleeve is able to engage the actuating member and thereby move the tissue grasping element between the open and closed positions.

40. (New) The medical instrument of claim 38, wherein the tissue grasping element is disposed on the distal end of the body.

41. (New) The medical instrument of claim 40, wherein the tissue grasping element comprises first and second opposed tissue penetrating claws.

42. (New) The medical instrument of claim 41, wherein the first and second tissue penetrating claws are biased to the closed position.

43. (New) The medical instrument of claim 42, wherein the actuating member comprises first and second opposed members, each member extending through an opening formed in the body.

44. (New) The medical instrument of claim 38, wherein at least a portion of the applicator

sleeve defines an inner lumen.

45. (New) The medical instrument of claim 44, wherein the inner lumen is adapted to receive at least a portion of the flexible member.

46. (New) The medical instrument of claim 45, wherein the flexible member is selected from the group consisting of a strap, a band, a tape, and a string.